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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Alain Delpuch

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SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV

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EXAMINER

MENDOZA, JUNIOR O

ART UNIT

PAPER NUMBER

4115

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/661,160	DELPUCH ET AL.	
	Examiner	Art Unit	
	Junior O. Mendoza	4115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The applicant states, "lthe authoring data 78" where it should be "The authoring data 78", discloses in paragraph [0104].

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: The applicant states, "The set-top box 38 may executed a module manager" where it should be "The set-top box 38 may execute a module manager", discloses in paragraph [0041].

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1 – 4, 8 – 16, 18 – 23, 26 and 28 – 42 are rejected under 35 U.S.C.

102(e) as being anticipated by McKissick et al (Pub No US 2007/0124795). Hereinafter referenced as McKissick.

Regarding **claim 1**, McKissick discloses a method to enable user-authoring of content within an interactive television environment, the method including:

at a source system (Main facility [12] and television distribution facility [16], fig 1A), communicating television content to a receiver system (Television equipment [20], fig 1A), the television content to be presented to a user by the receiver system (Main facility [12] and Television distribution facility [16] distribute program guide data and other information to television equipment [20] via communication path[24], paragraph [0055] also exhibited on fig 1A);

at the source system, communicating authoring data, associated with the television content, to the receiver system (The information transmitted from facility [12] may also include information on interactive message features such as TV contents, surveys, evaluations, promotions or links related to the television programming, paragraph [0053]; where the television message system displays an alphanumeric promotion related to the television programming where the viewer can participate, paragraph [0107] also exhibited on fig 17. Moreover, programming related content or authoring data can be attached to the message [324], where for example the score of the game being watched can be send together with the message as shown in figure 18, paragraph [0130]);

and at the source system, communicating an authoring application to the receiver system, the authoring application being executable by the receiver system to enable the user to author content utilizing the authoring data (a message equipment [22] for supporting the transmission of messages between viewers and a graphical user interface application [32] is displayed to do authoring, paragraph [0061] and [0082] also exhibited on fig 4).

Regarding **claim 2**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, including,

at the source system, receiving the authoring data from a content source, and associating the authoring data with the television content (The information transmitted from facility [12] may also include information on interactive message features such as TV contents, surveys, evaluations, promotions or links related to the television programming, paragraph [0053]; where the television message system displays an alphanumeric promotion related to the television programming where the viewer can participate, paragraph [0107] also exhibited on fig 17).

Regarding **claim 3**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, wherein

the authoring data is contextual to the television content (The information transmitted from facility [12] may also include information on interactive message features such as TV contents, surveys, evaluations, promotions or links related to the

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television programming, paragraph [0053]; where the television message system displays an alphanumeric promotion related to the television programming where the viewer can participate, paragraph [0107] also exhibited on fig 17).

Regarding **claim 4**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, wherein

the authoring application comprises a messaging application executable by the receiver system (television display screen [130] displays a graphical user interface application [32] which includes a human readable message section [132], paragraph [0081] also exhibited on fig 4)

to enable the user to include the authored content within a message, and to enable the user to communicate the message (The television message system allows users to send program guide information such as TV program listings, program schedules, and program information as a message to other users, paragraph [0122]).

Regarding **claim 8**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, including,

at the receiver system, executing the authoring application, receiving from the user identification of at least a portion of the authoring data associated with the television content, and including the portion of the authoring data within the authored content (programming related content or authoring data can be attached to the

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message [324], where for example the score of the game being watched can be send together with the message as shown in figure 18, paragraph [0130]).

Regarding **claim 9**, McKissick discloses everything claimed as applied above (See claim 8); in addition, McKissick discloses the method of claim 8, including executing the authoring application to present a user interface for display on the receiver system (a graphical user interface application [32] is displayed to do authoring, paragraph [0070] also exhibited on fig 4),

the user interface to receive the user identification of the portion of the authoring data to be included within the author content (programming related content or authoring data can be attached to the message [324], where for example the score of the game being watched can be send together with the message as shown in figure 18 with a "NFL. score update" title, paragraph [0130]).

Regarding **claim 10**, McKissick discloses everything claimed as applied above (See claim 9); in addition, McKissick discloses the method of claim 9, wherein

the user interface presents the authoring data in association with the television content at the receiver system for user-selection (The information transmitted from facility [12] may also include information on interactive message features such as TV contents, surveys, evaluations, promotions or links related to the television programming, paragraph [0053]; where the television message system displays an alphanumeric promotion related to the television programming where the viewer can

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participate, paragraph [0107] also exhibited on fig 17. Moreover, programming related content or authoring data can be attached to the message [324], where for example the score of the game being watched can be send together with the message as shown in figure 18, paragraph [0130]).

Regarding **claim 11**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, including,

at the receiver system, executing the authoring application to transmit the authored content as part of a message to a recipient (programming related content or authoring data can be attached to the message [324] being sent to another television messaging system, where for example the score of the game being watched can be send together with the message as shown in figure 18, paragraph [0130]).

Regarding **claim 12**, McKissick discloses everything claimed as applied above (See claim 11); in addition, McKissick discloses the method of claim 11, including

executing the authoring application to prompt the user to provide identification information for the recipient (in figure 18 the message received identifies who was the sender of the message, in this case the message was sent by "Adam").

Regarding **claim 13**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, wherein

the receiver system is an interactive television system, and the authoring application is an interactive television application (set top box [26] contains a processor to handle tasks associated with implementing an interactive television program guide application containing television message features, paragraph [0064]).

Regarding **claim 14**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, including, at the receiver system,

executing the authoring application to present a virtual keyboard for display on the receiver system, the virtual keyboard to facilitate alphanumeric input by a user (television screen keyboard [50] illustrated in fig 1C, paragraph [0071]).

Regarding **claim 15**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, including, at the receiver system,

executing the authoring application to receive alphanumeric input from a user (television screen keyboard [50] illustrated in fig 1C which allows the user to input a message, paragraph [0071]).

and to identify the alphanumeric input for inclusion within the authored content (television messaging system display screen [421] allows the user to enter the user identity information, name [423] and address [427], paragraph [0094] also exhibited on fig 6B).

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Regarding **claim 16**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, including, at the receiver system,

executing the authoring application to receive a recipient identifier to identify a recipient of a message that includes the authored content (The set top box application may obtain the recipient's destination address information necessary to forward the message, paragraph [0087]).

Regarding **claim 18**, McKissick discloses everything claimed as applied above (See claim 16); in addition, McKissick discloses the method of claim 16, wherein the message

comprises an e-mail message, and the recipient identifier comprises an e-mail address (the destination address may be an e-mail address where the electronic messages may be sent, paragraph [0087]).

Regarding **claim 19**, McKissick discloses everything claimed as applied above (See claim 20); in addition, McKissick discloses the method of claim 20, wherein the message comprises

an instant message, and the recipient identifier comprises an instant message handle (communications may also be sent between set top boxes in the form of instant messages, paragraph [0080]).

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Regarding **claim 20**, McKissick discloses everything claimed as applied above (See claim 16); in addition, McKissick discloses the method of claim 16, including executing the authoring application at the receiver system to communicate the message via a return path to the source system (Television distribution facility [16] distributes program guide data and other information, including messages, to the user television equipment [20] via communications paths [24], paragraph [0055]).

Regarding **claim 21**, McKissick discloses everything claimed as applied above (See claim 20); in addition, McKissick discloses the method of claim 20, wherein the return path is a bi-directional communication channel (communication paths [24] are preferably bidirectional to support messaging and to have sufficient bandwidth to allow television content distribution, paragraph [0055]).

Regarding **claim 22**, McKissick discloses everything claimed as applied above (See claim 1); in addition, McKissick discloses the method of claim 1, wherein the authoring data includes at least one of a group of information types including numeric, alphanumeric, picture, logo, icon, video, and audio data (The information transmitted from facility [12] may also include information on interactive message features such as TV contents, surveys, evaluations, promotions or links related to the television programming, paragraph [0053]; where the television message system displays an alphanumeric promotion related to the television programming where the viewer can participate, paragraph [0107] also exhibited on fig 17).

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Regarding **claim 23**, McKissick discloses a system including:

a source system (Main facility [12] and television distribution facility [16], fig 1A) to distribute content to a receiver system (user television equipment [20] fig 1A),

the source system further to distribute auxiliary information, associated with the content, to the receiver system (The information transmitted from facility [12] may also include information on interactive message features such as TV contents, surveys, evaluations, promotions or links related to the television programming, paragraph [0053]; where the television message system displays an alphanumeric promotion related to the television programming where the viewer can participate, paragraph [0107] also exhibited on fig 17. Moreover, programming related content or authoring data can be attached to the message [324], where for example the score of the game being watched can be send together with the message as shown in figure 18, paragraph [0130]);

and a receiver system to receive the auxiliary information from the receiver system together with a recipient identifier(The set top box application may obtain the recipient's destination address information necessary to forward the message; paragraph [0087]),

and to cause the auxiliary information to be included within a message to be communicated to a recipient identified by the recipient identifier (The television message system allows users to send program guide information such as TV program listings, program schedules, and program information as a message to other users using their email address or as an instant message, paragraph [0122]).

Regarding **claim 26**, McKissick discloses everything claimed as above (see claim 23). In addition, claim 26 incorporates all the limitations of claims 1 and 8. Therefore, claim 26 stands rejected for the same reasons as stated above (see claims 1 and 8) since it is inherent to the method claimed in claims 1 and 8, respectively.

Regarding **claim 28**, McKissick discloses everything claimed as above (see claim 23). In addition, claim 28 incorporates all the limitations of claim 4. Therefore, claim 28 stands rejected for the same reasons as stated above (see claim 4) since it is inherent to the method claimed in claim 4.

Regarding **claim 29**, McKissick discloses everything claimed as above (see claim 23). In addition, claim 29 incorporates all the limitations of claim 17. Therefore, claim 29 stands rejected for the same reasons as stated above (see claim 17) since it is inherent to the method claimed in claim 17.

Regarding **claim 30**, McKissick discloses everything claimed as above (see claim 23). In addition, claim 30 incorporates all the limitations of claim 18. Therefore, claim 30 stands rejected for the same reasons as stated above (see claim 18) since it is inherent to the method claimed in claim 18.

Regarding **claim 31**, McKissick discloses everything claimed as above (see claim 23). In addition, claim 31 incorporates all the limitations of claim 19. Therefore,

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claim 31 stands rejected for the same reasons as stated above (see claim 19) since it is inherent to the method claimed in claim 19.

Regarding **claim 32**, McKissick discloses everything as claimed. In addition, claim 32 incorporates all the limitations of claims 1, 8 and 9. Therefore, claim 32 stands rejected for the same reasons as stated above (see claims 1, 8 and 9) since it is inherent to the method claimed in claims 1, 8 and 9, respectively.

Regarding **claim 33**, McKissick discloses everything claimed as above (see claim 32). In addition, claim 33 incorporates all the limitations of claims 1 and 4. Therefore, claim 33 stands rejected for the same reasons as stated above (see claims 1 and 4) since it is inherent to the method claimed in claims 1 and 4, respectively.

Regarding **claim 34**, McKissick discloses everything claimed as above (see claim 32). In addition, claim 34 incorporates all the limitations of claim 15. Therefore, claim 34 stands rejected for the same reasons as stated above (see claim 15) since it is inherent to the method claimed in claim 15.

Regarding **claim 35**, McKissick discloses everything claimed as above (see claim 34). In addition, claim 35 incorporates all the limitations of claim 14. Therefore, claim 35 stands rejected for the same reasons as stated above (see claim 14) since it is inherent to the method claimed in claim 14.

Regarding **claim 36**, McKissick discloses everything claimed as above (see claim 32). In addition, claim 36 incorporates all the limitations of claim 16. Therefore, claim 36 stands rejected for the same reasons as stated above (see claim 16) since it is inherent to the method claimed in claim 16.

Regarding **claim 37**, McKissick discloses everything claimed as above (see claim 36). In addition, McKissick discloses the authoring application of claim 36, wherein

The recipient identifier is selected by a user from a list of stored recipient identifiers (A user may access profiles in a form of "buddy list" which includes the user's identity, paragraph [0092]).

Regarding **claim 38**, McKissick discloses everything claimed as above (see claim 36). In addition, claim 38 incorporates all the limitations of claim 15. Therefore, claim 38 stands rejected for the same reasons as stated above (see claim 15) since it is inherent to the method claimed in claim 15.

Regarding **claim 39**, McKissick discloses everything claimed as above (see claim 32). In addition, claim 39 incorporates all the limitations of claim 20. Therefore, claim 39 stands rejected for the same reasons as stated above (see claim 20) since it is inherent to the method claimed in claim 20.

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Regarding **claim 40**, McKissick discloses everything claimed as above (see claim 39). In addition, claim 40 incorporates all the limitations of claim 21. Therefore, claim 40 stands rejected for the same reasons as stated above (see claim 21) since it is inherent to the method claimed in claim 21.

Regarding **claim 41**, McKissick discloses everything as claimed. In addition, claim 41 incorporates all the limitations of claim 1. Therefore, claim 41 stands rejected for the same reasons as stated above (see claim 1) since it is inherent to the method claimed in claim 1.

Regarding **claim 42**, McKissick discloses everything as claimed. In addition, claim 42 incorporates all the limitations of claim 1. Therefore, claim 42 stands rejected for the same reasons as stated above (see claim 1) since it is inherent to the method claimed in claim 1.

4. **Claims 5 -- 7, 24, 25 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick in view of Nishioka et al (Patent No 6,785,905).

Hereinafter referenced as Nishioka.

Regarding **claim 5**, McKissick discloses everything claimed as applied above (See claim 1); moreover, McKissick discloses a graphical user interface application [32], paragraph [0082] also exhibited on fig 4, which reads on "authoring application".

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However, McKissick fails to disclose a combined communication system. However, the examiner maintains that it was well known in the art to provide a combined communication system, as taught by Nishioka.

In a similar field of endeavor Nishioka discloses the method of claim 1, wherein the television content, the authoring data, and the authoring application are communicated from the source system as a combined communication (TV signal [21], text data signal [22] and other types of data can be multiplexed in order to be transmitted [2] as a single signal, shown in fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing such elements, as taught by Nishioka, for the purpose of allowing the transmission of three or more different types of signals simultaneously without the need to install extra transmission mediums, which also saves bandwidth.

Regarding **claim 6**, McKissick discloses everything claimed as applied above (See claim 5); However, McKissick fails to disclose that the combined communication comprises a broadcast. However, the examiner maintains that it was well known in the art to provide such element, as taught by Nishioka.

In a similar field of endeavor Nishioka discloses the method of claim 5, wherein the combined communication comprises a broadcast (antenna [2] broadcasts the multiplexed signal, column 4 lines 16-18 also exhibited on fig 1).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing such elements, as taught by Nishioka, for the purpose of having the ability to transmit the signal to a wide area without the need to extent transmission lines all over the desired area.

Regarding **claim 7**, McKissick discloses everything claimed as applied above (See claim 5); However, McKissick fails to disclose a multiplexer. However, the examiner maintains that it was well known in the art to provide such element, as taught by Nishioka.

In a similar field of endeavor Nishioka discloses the method of claim 5, wherein the source system includes a multiplexer to multiplex the television content, the authoring data, and the authoring application (multiplexer [24], exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing such elements, as taught by Nishioka, for the purpose of allowing the transmission of three or more different types of signals simultaneously without the need to install extra transmission mediums, which also saves bandwidth.

Regarding **claim 24**, McKissick and Nishicka disclose everything claimed as above (see claim 23). In addition, claim 24 incorporates all the limitations of claim 6.

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Therefore, claim 24 stands rejected for the same reasons as stated above (see claim 6) since it is inherent to the method claimed in claim 6.

Regarding **claim 25**, McKissick and Nishioka disclose everything claimed as above (see claim 24). In addition, claim 25 incorporates all the limitations of claims 5 and 6. Therefore, claim 25 stands rejected for the same reasons as stated above (see claims 5 and 6) since it is inherent to the method claimed in claims 5 and 6, respectively.

Regarding **claim 27**, McKissick and Nishioka disclose everything claimed as above (see claim 26). In addition, claim 27 incorporates all the limitations of claim 5. Therefore, claim 27 stands rejected for the same reasons as stated above (see claim 5) since it is inherent to the method claimed in claim 5.

5. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick in view of Angel et al (Pub No US 2004/0025192). Hereinafter referenced as Angel.

Regarding **claim 17**, McKissick discloses everything claimed as applied above. (See claim 16); However, McKissick fails to disclose that the message comprises a SMS message, and the recipient identifier comprises a telephone number. However,

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the examiner maintains that it was well known in the art to provide such elements, as taught by Angel.

In a similar field of endeavor Angel discloses the method of claim 16, wherein the message comprises a SMS message, and the recipient identifier comprises a telephone number (SMS messages can be send from TV set top box [12] to a cellular phone [14], paragraph [0032] and [0033] also exhibited on fig 1, it is well inherent that a telephone number will be used in order to establish connectivity between the phone and the television set).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing such elements, as taught by Angel, for the purpose of allowing the users to send messages to not only other television sets but to telephone systems as well, which provides more flexibility since people are not watching television at all times, therefore this is a good alternative.

Claim Rejections - 35 USC § 101

6. **Claim 42** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 42 recites functional descriptive material on a computer readable medium. However, the program/algorithm itself merely manipulates data or an abstract idea, or merely **solves** a mathematical problem without a limitation to a practical application. A practical application exists if the result of the claimed invention is "useful, concrete and tangible" (with the emphasis

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on "result")(Guidelines, section IV.C.2.b). A "useful" result is one that satisfies the utility requirement of section 101, a "concrete" result is one that is "repeatable" or "predictable", and a "tangible" result is one that is "real", or "real-world", as opposed to "abstract" (Guidelines, section IV.C.2.b)). Claim 42 merely manipulates data without ever producing a useful, concrete and tangible result.

In order to for the claimed product to produce a "useful, concrete and tangible" result, recitation of one or more of the following elements is suggested:

- The manipulation of data that represents a physical object or activity transformed from outside the computer.
- A physical transformations outside the computer, for example in the form of pre or post computer processing activity.
- A direct recitation of a practical application;

It is the result that is the focus. If the result has a real world practical application/use, then the test has been satisfied. The claim need not include the uses to which the result is ultimately put, just the result itself. Applicant is advised to provide a written explanation of how and why the claimed invention (either as currently recited or as amended) produces a useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

7. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junior O. Mendoza whose telephone number is 571-270-3573. The examiner can normally be reached on Monday - Thursday 8am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Junior O Mendoza
Examiner
Art Unit 4115

JM JM
October 20, 2007


RYAN YANG 10/23/07
PRIMARY EXAMINER